



# Kentucky Department of Criminal Justice Training

## Legal Training Section

### Changes to Arrest Authority 2018

Roll Call Training  
2018-1



# Objective

At the end of this review, the viewer will be able to:

- ✓ Understand the changes to Kentucky arrest law from 2011 to the present.

# Introduction

Since 2011, Kentucky arrest law, specifically KRS 431.005 and 431.015, have undergone substantial changes.



# 2011

The first, and most dramatic change, occurred in 2011, with the passage of HB 463, which limited the ability of officers to make custodial arrests for misdemeanor offenses, except for the following:

- 1. A violation of KRS Chapter 508 (Assault), 510 (Sexual Offenses), or 527 (Firearms Offenses), or KRS 189A.010 (DUI);*
- 2. An offense in which the defendant poses a risk of danger to himself, herself, or another person;  
or*
- 3. An offense in which the defendant refuses to follow the peace officer's reasonable instructions.*

# 2012

2012 brought the ability for officers to make a custodial arrest or issue a citation for assaults (4<sup>th</sup> degree) that occur in hospital emergency rooms, even when the officer does not directly witness the assault. (This puts such offenses in the same status as domestic assaults.)



# 2015

2015 brought the ability for individuals to obtain an Interpersonal Protective Orders (and its temporary equivalent) for couples who are in a dating relationship (and several other categories). This puts such couples on essentially the same footing as couples who are married, living together or share a child in common, although there are some differences between the two categories.

# 2016

2016 amendments allowed for custodial arrests for violations of KRS 511.050 (Possession of burglar's tools), 511.085 (Domestic violence shelter trespass), 514.110 (Receiving stolen property), and KRS 523.110 (Giving peace officer false identifying information).



# 2017

2017 extended the provisions made in 2012 to the entire premises of a hospital, including parking lots and garages.



# 2018

Finally, in 2018, KRS 431.015 was amended to allow for a peace officer to issue a citation, but not make a custodial arrest, for misdemeanors committed outside their presence, if there exists reasonable grounds to believe the person will appear. A citation is not mandated, however, and the officer may still, instead, suggest the complainant seek a warrant in the appropriate manner for the jurisdiction.

## Questions

If you have any questions concerning this presentation, please feel free to contact the Legal Training Section in one of the following ways:

Website: [www.docjt.ky.gov/legal](http://www.docjt.ky.gov/legal)

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